

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

---

**KAOUTAR AYATT**  
Claimant

**ATHENE ANNUITY AND LIFE COMPANY**  
Employer

**APPEAL 21A-UI-08072-JC-T**  
**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 02/14/21**  
**Claimant: Appellant (1)**

---

Iowa Code § 96.5(1) – Voluntary Quitting

**STATEMENT OF THE CASE:**

The claimant/appellant, Kaoutar Ayatt, filed an appeal from the March 19, 2021 (reference 02) Iowa Workforce Development (“IWD”) unemployment insurance decision that denied benefits. The parties were properly notified about the hearing. A telephone hearing was held on June 2, 2021. The hearing was held together with Appeal 21A-UI-08070-JC-T and Appeal 21A-UI-08074-JC-T. The claimant participated personally. The employer, Athene Annuity and Life Company., participated through Dana Chargo.

The administrative law judge took official notice of the administrative records. Claimant Exhibits 1-4 were admitted. Based on the evidence, the arguments presented, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

**ISSUES:**

Did claimant voluntarily quit the employment with good cause attributable to employer?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant was employed full-time as a contact service representative beginning May 20, 2019. When claimant began her employment, she was paid through Athene Employee Services (563084-000). Effective January 1, 2020, claimant’s employment was shifted to Athene Annuity and Life Company (627502-000). Both entities share the same parent company and there was no change in claimant’s job duties, hours, or wages.

Claimant remained employed and last physically worked on November 4, 2020. Claimant began a leave of absence on November 5, 2020 related to pregnancy. Employer had work available to claimant during this period had she not taken a leave of absence.

Claimant exhausted her FMLA and was in communication with the employer about returning to work. Claimant did not have childcare available for her infant, and did not have family who

could care for the child while she worked. Claimant was uncomfortable taking her infant to a daycare after her friend's infant contracted COVID-19 through daycare.

Employer offered claimant the opportunity to work remotely to remain with her child. However, claimant was unable to accept the accommodation based upon her childcare situation, and did not return from the leave of absence. Instead, she notified the employer that in the absence of more time off to make arrangements, she would have to quit. Separation occurred effective January 27, 2021.

### **REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes the claimant voluntarily quit the employment without good cause attributable to the employer.

Iowa Code section 96.5(1) provides:

An individual shall be disqualified for benefits, regardless of the source of the individual's wage credits:

1. Voluntary quitting. If the individual has left work voluntarily without good cause attributable to the individual's employer, if so found by the department.

The claimant has the burden of proof to establish she quit with good cause attributable to the employer, according to Iowa law. "Good cause" for leaving employment must be that which is reasonable to the average person, not the overly sensitive individual or the claimant in particular. *Uniweld Products v. Industrial Relations Commission*, 277 So.2d 827 (Fla. App. 1973).

Ordinarily, "good cause" is derived from the facts of each case keeping in mind the public policy stated in Iowa Code section 96.2. *O'Brien v. EAB*, 494 N.W.2d 660, 662 (Iowa 1993)(citing *Wiese v. Iowa Dep't of Job Serv.*, 389 N.W.2d 676, 680 (Iowa 1986)). "The term encompasses real circumstances, adequate excuses that will bear the test of reason, just grounds for the action, and always the element of good faith." *Wiese v. Iowa Dep't of Job Serv.*, 389 N.W.2d 676, 680 (Iowa 1986) "[C]ommon sense and prudence must be exercised in evaluating all of the circumstances that lead to an employee's quit in order to attribute the cause for the termination." *Id.*

Iowa Admin. Code r. 871-24.25(17) provides:

Voluntary quit without good cause. In general, a voluntary quit means discontinuing the employment because the employee no longer desires to remain in the relationship of an employee with the employer from whom the employee has separated. The employer has the burden of proving that the claimant is disqualified for benefits pursuant to Iowa Code section 96.5. However, the claimant has the initial burden to produce evidence that the claimant is not disqualified for benefits in cases involving Iowa Code section 96.5, subsection (1), paragraphs "a" through "i," and subsection 10. The following reasons for a voluntary quit shall be presumed to be without good cause attributable to the employer:

(17) The claimant left because of lack of child care.

The administrative law judge is sympathetic and recognizes the claimant's challenges between having a new infant (during COVID-19) and balancing her work requirements. While the claimant may have had personally good reasons to quit the employment, the credible evidence presented is that she did not quit with good cause attributable to the employer, according to Iowa law. Accordingly, benefits must be withheld.

**DECISION:**

The unemployment insurance decision dated March 19, 2021, (reference 02) is AFFIRMED. The claimant voluntarily quit the employment without good cause attributable to the employer. Benefits are withheld until such time as she has worked in and been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible.



---

Jennifer L. Beckman  
Administrative Law Judge  
Unemployment Insurance Appeals Bureau  
Iowa Workforce Development  
1000 East Grand Avenue  
Des Moines, Iowa 50319-0209  
Fax 515-478-3528

June 15, 2021  
Decision Dated and Mailed

jlb/mh

**NOTE TO CLAIMANT:**

This decision determines you are not eligible for regular unemployment insurance benefits. If you disagree with this decision you may file an appeal to the Employment Appeal Board by following the instructions on the first page of this decision.

If you do not qualify for regular unemployment insurance benefits due to disqualifying separations and are currently unemployed for reasons related to COVID-19, you may qualify for Pandemic Unemployment Assistance (PUA). **You will need to apply for PUA to determine your eligibility under the program.** More information about how to apply for PUA is available online at:

[www.iowaworkforcedevelopment.gov/pua-information](http://www.iowaworkforcedevelopment.gov/pua-information)

You may find information about food, housing, and other resources at <https://covidrecoveryiowa.org/> or at <https://dhs.iowa.gov/node/3250>

Iowa Finance Authority also has additional resources at <https://www.iowafinance.com/about/covid-19-ifa-recovery-assistance/>